

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEANNA L. FREITAG,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

NO. C00-2278 TEH

ORDER GRANTING EXTENSION  
OF TIME RE: DEFENDANT'S  
MOTION TO TERMINATE  
INJUNCTION; ORDER OF  
REFERRAL

Defendant California Department of Corrections and Rehabilitation (“CDCR”) has filed a motion to terminate the injunction or, alternatively, to modify the injunction-monitoring process. Plaintiff Deanna Freitag has requested an extension in the briefing and hearing schedule, which the CDCR opposes. The Court GRANTS Freitag’s request as discussed below.

Freitag’s counsel has been monitoring the injunctive relief in this case since 2004, and the Court generally agrees with the CDCR that the injunction does not contemplate additional discovery. Freitag’s counsel requests additional time “to evaluate whether there is significant evidence of non-compliance that would support the Court’s decision to continue or modify the injunction,” Pl.’s Admin. Mot. to Enlarge Time at 2, but the CDCR makes the legitimate point that it is the monitoring process itself that should reveal any problems with the injunctive relief. The CDCR further correctly observes that it may be duplicative and unnecessary to have yet another associate attorney bring herself up to speed on this case.

Nonetheless, the Court will not dictate how Freitag’s counsel should manage her caseload or allocate her resources. However, any time spent opposing the CDCR’s motion will not be automatically compensable as monitoring fees, and Freitag’s counsel will bear the

1 burden of demonstrating entitlement to any fees and costs she might claim for opposing the  
2 motion, including any time spent by an associate attorney.

3 The following shall be the schedule on the CDCR's pending motion:

4 1. Freitag shall file her opposition or statement of non-opposition on or before  
5 **August 27, 2012.**

6 2. The CDCR shall file its reply on or before **September 7, 2012.**

7 3. The hearing shall occur on **September 24, 2012, at 10:00 AM.**

8 IT IS FURTHER ORDERED that all discovery disputes in this case are referred to  
9 Magistrate Judge Jacqueline Scott Corley.

10  
11 **IT IS SO ORDERED.**

12  
13 Dated: 06/06/12



THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT